

MARY ROSE KORENY,

Plaintiff,

v.

RICHARD SMITH, MALLORY MORRISSEY, FARRELL WAGNER *in his individual and official capacity*, CHRISTIAN HEYNES *in his individual and official capacity*, THE BOROUGH OF BRENTWOOD,

Defendants.

) CIVIL ACTION NO. 17-371  
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) JUDGE JOY FLOWERS CONTI  
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AND NOW, this 2<sup>nd</sup> day of March, 2018, for the reasons stated in the accompanying memorandum opinion, upon consideration of: the motion to dismiss (ECF No. 13) filed by defendants Farrell Wagner, Christian Heynes, and the Borough of Brentwood, the brief in support, (ECF Nos. 14), and response in opposition thereto, (ECF Nos. 15, 16); the motion to amend (ECF No. 37) filed by plaintiff Mary Rose Koreny, brief in support (ECF No. 38), and opposition thereto (ECF Nos. 41, 42); and the argument held on December 12, 2017,

IT IS FURTHER ORDERED that the motion to amend (ECF No. 37) is denied as futile;

IT IS FURTHER ORDERED that the court pursuant to 28 U.S.C. § 1367(c) declines supplemental jurisdiction over Counts III, IV, and V and the cross-claim filed by defendant Richard

Smith against defendants Farrell Wagner, Christian Heynes, and the Borough of Brentwood (ECF No. 25), and accordingly, Counts III, IV and V of the complaint and the cross-claim of defendant Richard Smith are dismissed without prejudice to refiling in an appropriate state forum;

IT IS FURTHER ORDERED that the motion to dismiss is denied as moot in all other respects; and

FINALLY, IT IS ORDERED that the Clerk of Court is ordered to mark this case closed.

BY THE COURT:

/s/ Joy Flowers Conti  
Joy Flowers Conti  
Chief United States District Judge